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diction. This is perhaps the most serious criticism which can be made upon the work intended as it is for use as a student's textbook. Taken as a whole, aside from this and some minor criticisms, the work merits the highest commendation. It is a pleasure to welcome the publication of a selection of cases so carefully prepared and so thoroughly scientific. The press work is unusually attractive and in entire keeping with the general excellence of the work.

THE TORRENS SYSTEM; ITS COST AND COMPLEXITY. William C. Niblack. Chicago: Callaghan & Co. 1903. pp. vi. 205.

Mr. Niblack states in the full title that his work is "a legal and practical treatise" on the system. In his preface he warns the public that he is a member of an abstract company whose business would be lessened if not destroyed, as the Torrens advocates maintain, by the successful operation of a Torrens act. This statement is made in order that the reader may seize his point of view and give due weight to the personal equation. The statement is eminently proper and necessary; for the book bristles with hostility to the Torrens System as a whole and in all of its parts. The treatise is "legal" in that it is a brief for the other side. It should be said however, that Mr. Niblack gives a thoroughly satisfactory outline of the system. There is no enthusiasm in his exposition: the claims of its supporters are scrutinized from the standpoint of law, expediency and cost. If the Torrens system whose principal feature "is an indefeasible title to lands through a guaranty of such title by the state"—is to supplant the present system of recording and abstract of title it must meet and overcome such criticism.

As a matter of fact Torrens laws varying in detail but alike in the registration of title exist in this country in Illinois, (in operation only in Cook County); California, Massachusetts, Oregon, Minnesota and Colorado. According to Mr. Niblack, the acts have been far from successful in Illinois, Massachusetts, and in Minnesota. "In Oregon almost nothing has been done under the act, while in California no application has ever been made and passed upon, and no certificate of title has ever been issued," (p. 19).

The system has been, it would seem, successful in Australasia; but "it is probably impossible," Mr. Niblack says, "to state the elements which have made it an utter failure in every other country where it has been tried, and where the laws do not compel persons to use it." (p. 14.) In England, the act of 1897 provides for making the registration of titles compulsory in certain places and London has been subjected to the operation of the act. Mr. Niblack states that the act has been a comparative failure and repeated demands have been made for its repeal. However he is doubtless correct in maintaining that "in the variety of opinions about the success of the system in England, it is utterly impossible for us to form any correct idea of the actual conditions there" (p. 18).

But although opposed to the Torrens laws at present on our statute books, he is not blind to the many imperfections of the recording system, and his criticism of it seems sound as well as searching. (pp. 157-162.) The conclusion of the book is a forcible summary of the brief against Torrens and his ways. He quotes with approval a portion of the opinion in the Guilbert case, (1868) 56 Ohio St. 575, which declared the Ohio act unconstitutional, and it is perhaps the best single statement of the writer's attitude: "However the general system proposed by this act may have operated where no system of registration previously existed and the conserving influences of constitutions are not enjoyed, it seems, in its prominent features, to be inapplicable where constitutional provisions, paramount to legislative enactments, protect vested rights and restrict the state to the exercise of functions which are governmental in their nature."

As regards the literary execution of the book, it should be said that the historical sketches of the land systems of transfer are rather slight. The Treatise on Enrolling and Registering attributed to Hale was published, not written, in 1694, as the Lord Chief Justice died in 1676 (p. 2). The style is simple and straightforward but is at times scarcely becoming the dignity of the subject, as on pages 123 note, 141 note, 153 note 9. But these are slight blemishes.

The description of the Victoria Act of 1890, taken as a model of Australian legislation is clear (pp. 11-14), and the Illinois Act, printed in the appendix (pp. 165-194), enables the reader not only to understand the system but also serves as a means of comparison; for the variations of the other acts are noted in appropriate portions of the text.

The index is serviceable and the book as a whole is a welcome and timely contribution to the literature of the subject, notwithstanding the author's unfriendly attitude.

REVIEWS TO FOLLOW :

THE LAW OF REAL PROPERTY AND OTHER INTERESTS IN LAND. Two vols. Herbert Thorndyke Tiffany. St. Paul : Keefe-Davidson Co. 1903. pp. xxxiii, 1589.

MARSHALL'S CONSTITUTIONAL DECISIONS AND WRITINGS. George M. Clay and John M. Dillon under the direction of Hon. John F. Dillon. Chicago : Callaghan & Co. 1903.

A TREATISE ON DAMAGES COVERING THE ENTIRE LAW OF DAMAGES. Three vols. Joseph A. Joyce and Howard C. Joyce. New York : The Banks Law Publishing Co. 1903.

COOLEY'S CONSTITUTIONAL LIMITATIONS. Seventh edit. by Victor H. Lane. Boston : Little, Brown & Co. 1903. pp. cxxiii, 1036.

THE LAW OF CONTRACTS. Theophilus Parsons. Three vols. Ninth edit. edited by John M. Gould. Boston : Little, Brown & Co. 1904. pp. vol. I. ccvii, 646 ; vol. II. xx, 974 ; vol. III. ix, 749.

THE LIEN LAW OF THE STATE OF NEW YORK. William J. Snyder. New York : Baker, Voorhis & Co. 1903. pp. xxxi, 402.